

Response to Amendment

1. Acknowledgement is made to amendment filed on 4/14/2010

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312.

To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Perez on June 29, 2010.

The application has been amended as follows:

Claims 16, 24-36 and 47-51 have been canceled.

Allowable Subject Matter

3. Claims 1-13, 17-23, 37-42 and 45-46 are allowed.
4. The following is an examiner's statement of reasons for allowance:

As for claims 1, 37 and 46, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method and system for measuring a plurality of heights on different portions of a substrate using a first, process dependent, sensor to measure at least one height of a first portion of a substrate; using a second, process independent, sensor to measure at least one height of the first portion of the substrate; generating a first characterization of an offset error of the first sensor, based on the at least one height measured using the first sensor and the at least one height measured using the second sensor; using the first sensor to measure a plurality of heights of a second portion of a substrate; and generating a second characterization of the second portion of a substrate, based on the first characterization and the plurality of heights of the second portion of a

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substrate, in combination with the rest of the limitations of the claims. A process independent sensor does not depend on the electrical and/or optical properties of the surface of the substrate or is not vulnerable to the concentrations of electrical charges, optical or other physical properties of the surface of the substrate, such as an air gauge. A process dependent sensor depends on the electrical and/or optical properties of the surface relative to other portions of the surface on the substrate. The cited prior art fails to disclose using both types of sensors to measure a plurality of heights on different portions of a substrate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara S. Pajoochi whose telephone number is (571)272-9785. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur R. Chowdhury can be reached on 571-272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/TSP/

/TARIFUR R CHOWDHURY/
Supervisory Patent Examiner, Art Unit 2886